

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

KHARY SHERIFF ARRINGTON,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

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Civil Action No. 16-8206 (PGS)

MEMORANDUM AND ORDER

Pro se Petitioner Khary Sheriff Arrington, a prisoner confined at the Federal Correctional Institution in Fairton, New Jersey, seeks to file a motion to vacate pursuant to 28 U.S.C. § 2255. The Court administratively terminated the case on November 15, 2016, due to Petitioner's failure to comply with Local Civil Rule 81.2. ECF No. 2. Presently before the Court is a letter from Petitioner seeking status on the matter. ECF No. 9.

However, to date, Petitioner never complied with the Court's November 15, 2016 order. Petitioner has not submitted an amended § 2255 motion on court-approved form, as directed by the Court in its order. Although Respondent filed an answer to the § 2255 motion without the Court's prompting, that does not alleviate Petitioner's responsibility to comply with this Court's order. Indeed, in the interim, Petitioner filed another § 2255 motion in *Arrington v. United States*, No. 17-2638 (D.N.J. filed Apr. 18, 2017), which the Court dismissed with prejudice as time-barred. *See id.*, ECF Nos. 2 & 3. Because Petitioner did not comply with the Court's November 15, 2016 order, his § 2255 motion in the instant matter has now become a second and successive motion,

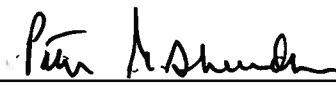
which requires permission from the Third Circuit before it can be filed here. *See* 28 U.S.C. §§ 2255(h), 2244(b)(3). As such, the Court has no jurisdiction to adjudicate the instant motion.¹

IT IS therefore on this 5 day of October, 2017,

ORDERED that the Clerk shall **REOPEN** the case by making a new and separate docket entry reading "CIVIL CASE REOPENED"; it is further

ORDERED that the Motion is hereby **DISMISSED** for lack of jurisdiction; and it is further

ORDERED that the Clerk shall serve a copy of this Memorandum and Order upon Petitioner by regular mail, and shall **CLOSE** the file.



Peter G. Sheridan
United States District Judge

¹ Even if Petitioner asserts that the motion he filed Case No. 17-2638 was really meant as an amended motion in the instant matter, that motion, of course, has already been ruled upon and dismissed.